

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 14, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LEILANI B.,¹

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-cv-03102-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 16, 23

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 23, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Nancy Zaragoza represents Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 1. The parties' Stipulated Motion for Remand, **ECF No. 23**, is **GRANTED**.

2 2. The above-captioned case be **REVERSED** and **REMANDED** to the
3 Commissioner of Social Security for further administrative proceeding pursuant to
4 sentence four of 42 U.S.C. § 405(g).

5 The parties have stipulated to the following:

6 On remand, the Appeals Council will instruct the ALJ to:

- 7 • Offer Plaintiff the opportunity for a new hearing and further develop
8 the record;
- 9 • Reevaluate the opinion evidence;
- 10 • Reevaluate Plaintiff's residual functional capacity;
- 11 • Reevaluate Plaintiff's symptom complaints;
- 12 • Obtain vocational expert testimony, if necessary; and
- 13 • Issue a new decision.

14 *See* ECF No. 23 at 1-2.

15 3. Judgment shall be entered for **PLAINTIFF**.

16 4. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is **STRICKEN**
17 **AS MOOT**.

18 5. Upon proper presentation, this Court will consider Plaintiff's application
19 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).
20

1 The District Court Executive is directed to enter this Order, **enter**
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED June 14, 2022.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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